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DEPARTMENT FOR S/WCI - WILLIAMSON/GOREY, AF/W - OKEDIJI
USUN NEW YORK - HILLMAN

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SUBJECT: AMBASSADOR MEETS WITH SPECIAL COURT HONORABLE
JUSTICE ITOE

Classified By: Ambassador June Carter Perry for reasons 1.4(b) and (d)

¶1. (C) SUMMARY: Ambassador and Poloff met with Honorable Justice Benjamin Itoe, Presiding Justice of Trial Chamber I, on January 30. Justice Itoe expressed his appreciation for the support provided to the Special Court of Sierra Leone (SCSL) by the United States Government, and reiterated his commitment to seeing justice served to the people of Sierra Leone. While he generally holds a positive view of the proceedings to date, he did acknowledge the ongoing criticism of Court operations and levied some of his own. Justice Itoe has particular concerns regarding the efficacy and professionalism of the Appeals Chamber and stated that rectifying these problems will require a firm hand by the Management Committee. END SUMMARY

¶2. (U) Ambassador Perry received Honorable Justice Itoe for a courtesy visit on January 30. The Ambassador stated the seriousness with which the U.S. Government approaches the human rights sphere, and the need to continue to support endeavors, such as the Special Court, that will bring justice to those most affected by horrific crimes against humanity. Ambassador Perry mentioned her meetings in New York with the Management Committee, and asked Justice Itoe's views on the delays and completion strategy, as well as the difficulties associated with justices routinely being absent from the country.

¶3. (C) Justice Itoe is conscious of the criticism facing the Court, especially the criticism related to the myriad delays that have hindered its efficiency in handing down judgments. He noted that some delays are the byproducts of a thorough justice process, and that delays related to the absence of justices have not occurred in his Chamber. Despite actions he has taken to ensure that the workings of his Chamber are smooth, Judge Itoe is of the opinion that other Chambers are not being run with as firm a hand, and that his colleagues do not necessarily share his interest in efficiency.

¶4. (C) Justice Itoe cited a recent letter sent by the Management Committee, requesting assurances that the Court's schedule will follow the timeline set by the completion strategy, and mentioned that his colleagues view this letter as interference with the justice process. He, however, disagrees, and expressed his sentiment that the Court must answer to the donor community with regards to its operations. Indeed, the Justice drafted a response to this letter for the President of the Court and the Committee that provides a thorough explanation of the various delays. A former politician in Cameroon, Judge Itoe stated that the report was his "political" response to the letter, a response he felt necessary to demonstrate to stakeholders that their concerns had not gone completely unheard.

¶15. (C) While the delays appeared to be foremost on Judge Itoe's mind, he brought his personal concerns to the Ambassador's attention. The Appeals Chamber, in particular, was a topic of discussion in this regard. The justices' frequent trips outside the country, in his opinion, impact the quality of their judgments. He stated that their lack of residency limits consultation time, and further stated his belief that recent judgments were written by legal officers and merely signed by the justices. His disappointment in the Appeals Chamber as a higher court was plain, and he noted that his position affords him no power to improve the situation. Judge Itoe's hope is that the Management Committee will address the issues related to the Appeals Chamber in short-order, particularly as the number of cases coming before it increases.

¶16. (C) COMMENT: While Justice Itoe has a positive view of the work being conducted by the Special Court, and was particularly emphatic in his praise of the U.S. Government for supporting its mission, he acknowledged that concerns raised by the Management Committee and donor countries are not unfounded. Delays, caused in part by absences of justices, must be addressed to ensure that the current completion strategy's timeline is met. Justice Itoe's recognition of these problems was followed closely by assertions that he and his Chamber should shoulder none of the blame. Although his assertions regarding the quality of the Appeals Chamber's decisions are bold, it is clear that issues with that Chamber, in particular, will need to be addressed by the Management Committee during their in-country talks this month. END COMMENT.

PERRY